UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,382	03/10/2004	Marian Trinkel	20811/0204770-US0	3246

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/797,382	TRINKEL ET AL.
	Examiner	Art Unit	
	JAKIEDA R. JACKSON	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _11 February 2008_.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1 and 3-17_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1 and 3-17_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   In response to the Office Action November 9, 2007, applicant submitted an

amendment filed on February 11, 2008, in which the applicant traversed and requested

reconsideration with respect to **claims 1 and 16**.

Response to Arguments

2.   Applicant's argue that Besling does not teach or suggest speaking

vocabulary/speech data into a vocabulary database in an automated manner using an

audio module. Applicant points out that Besling notes that "adding a new word to a

vocabulary may, in itself, not be sufficient to ensure that the word can be recognized,"

that for a speech recognition system "a transcription in acoustic references are

additionally required" and that for many languages "a reasonably accurate transcription

can be achieved automatically for most words." Column 10, lines 58-63. However

according to Applicants claims, it discloses "speaking the vocabulary data to the speech

recognition in an automated manner using the audio module so as to expand the

vocabulary database." That implies that the uttered word is recognized and added to

the database, not necessarily that the word, after being added, must be recognized.

Besides it is known that some sort of speech recognition is done considering the

microphone input (column 26-29) during the enrollment phase. Further Besling teaches

that the server station may for instance store several language models, several

vocabularies, or several sets of acoustic references (for a speech recognition system).

Column 6, lines 40-42. In addition, the acoustic training is further taught in column 7,

line 66 - column 8, line 55). Also, Besling teaches that once the word has been

recognized, the transcription can automatically be adapted to better match the actual

utterance for which the word is recognized (column 11, lines 7-11). Besling et al. teach

adding new words to a vocabulary by having a list of additional words and that a

phonetic transcription can be made for a word based on phonetic transcriptions of

known words (column 10, line 47 – column 11, line 21). Therefore, Applicant's

arguments are not persuasive.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   **Claims 1 and 3-4** are rejected under 35 U.S.C. 102(e) as being anticipated by

Besling et al. (USPN 6,363,348), hereinafter referenced as Besling.

Regarding **claim 1**, Besling discloses a method for at least one of generating and expanding a vocabulary database of a speech recognition system (adding words to a vocabulary; column 10, lines 47 – column 11, line 21), comprising:

providing a computer-based audio module (conventional computer technology with microphone; column 6, lines 1-37); and

training the speech recognition system (speech recognition) by acoustic training using the audio module (acoustic training; column 7, line 66 – column 8, line 55),

wherein the training the speech recognition system is performed by:

providing the audio module with vocabulary data (vocabulary data; column 10, lines 47 – column 11, line 21); and

speaking the vocabulary data to the speech recognition system (speech recognition system) in an automated manner using the audio module so as to expand the vocabulary database (adding additional words to the vocabulary; column 10, lines 47 – column 11, line 21).

Regarding **claim 3**, Besling discloses a method wherein the training the speech recognition system (speech recognition system) is performed by providing the audio module with vocabulary data from a speech database (column 10, lines 47 – column 11, line 21).

Regarding **claim 4**, Besling discloses an automatic vocabulary generator wherein it provides the audio module with vocabulary data via a telecommunications network (Internet; column 6, lines 1-37).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claims 5-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Besling in view of Furman et al. (USPN 6,049,594), hereinafter referenced as Furman

Regarding **claims 5 and 6**, Besling teaches a method for generating and/or

expanding a vocabulary database of a speech recognition system, but does not

specifically teach providing the audio module with vocabulary data is performed in a

streaming mode.

Furman discloses an automatic vocabulary generator wherein it provides a

streaming mode the audio module with vocabulary data is performed in a streaming

mode (column 9, lines 48-60), such that a user can use a variety of networks.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Besling's method wherein it teaches a streaming

mode, as taught by Furman, to add flexibility to meet user needs (column 13, lines 14-

18).

7.   **Claims 7-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Besling in view of Backfried et al. (USPN 6,801,893), hereinafter referenced as

Backfried.

        Regarding **claim 7**, Besling discloses a method of at least one of generating and

expanding a vocabulary database, but does not specifically teach speech synthesis.

        Backfried discloses a method of expanding a vocabulary method further

comprising creating the speech database by automated speech synthesis of text data

using a speech synthesis unit (speech synthesis; column 4, lines 13-15), to make the

data sound more natural sounding.

        Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Besling's method wherein it comprises speech

synthesis, as taught by Backfried, to generate the pronunciation of a word that is not in

the basic vocabulary; column 2, lines 40-47).

        Regarding **claim 8**, Besling discloses a method further comprising providing the

text data from a text database (textual data; column 9, lines 41-49).

        Regarding **claim 9**, Besling discloses a method of at least one of generating and

expanding a vocabulary database, but does not specifically teach speech synthesis.

        Backfried discloses a method wherein the audio module includes a speech

synthesis unit (speech synthesis; column 4, lines 13-15), which converts text data to

speech data (text-to-speech; column 2, lines 41-47), to make the data sound more

natural sounding.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Besling's method wherein it comprises speech synthesis, as taught by Backfried, to generate the pronunciation of a word that is not in the basic vocabulary; column 2, lines 40-47).

Regarding **claim 10**, Besling discloses a method further comprising providing the text data from a text database (textual data; column 7, line 66 – column 9, line 49).

Regarding **claim 11**, Besling discloses a method further comprising:

creating a text database in an automatic manner (text performed automatically; column 11, lines 9-21), but does not specifically teach providing the text data to the speech synthesis unit from the text database.

Backfried discloses a method for providing the text data to the speech synthesis unit from the text database (synthesis; column 2, lines 40-46 and column 10, lines 60-67), to make the data sound more natural sounding.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Besling's method wherein it comprises speech synthesis, as taught by Backfried, to generate the pronunciation of a word that is not in the basic vocabulary; column 2, lines 40-47).

Regarding **claim 12**, Besling discloses a method comprising:

finding the text data in an internal or external telecommunications network (internet) using at least one search engine, the text data being associated with at least one search term(search; column 9, lines 42-49);

receiving the text data from at least one text data source (text; column 9, lines

42-49); and

automatically storing the text data in the text database (column 7, line 66 –

column 9, line 49).

Regarding **claim 13**, Besling discloses a method wherein the

telecommunications network includes the Internet (Internet; column 6, lines 1-37)

Regarding **claim 14**, Besling discloses a method wherein the creating the text

database is performed by automatically reading the text data from the at least one text

data source using a data processing system and wherein the automatically storing is

performed using the data processing system (text; column 7, line 66 – column 9, line

49).

Regarding **claim 15**, Besling discloses of expanding a vocabulary, but does not

specifically teach speech synthesis.

Backfried discloses a method wherein the training the speech recognition system

is performed by providing the audio module with vocabulary data from a speech

database and further comprising:

creating the speech database by automated speech synthesis of text data from a

text database using a speech synthesis unit; (synthesis; column 2, lines 41-46 with

column 4, lines 13-15 and column 12, lines 18-20) and

analyzing and processing the text data prior to the speech synthesis (column 4,

lines 13-15 and column 10, lines 60-67), to make the data sound more natural

sounding.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Besling's method wherein it comprises speech synthesis, as taught by Backfried, to generate the pronunciation of a word that is not in the basic vocabulary; column 2, lines 40-47).

8.   **Claims 16-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Furman in view of Besling.

Regarding **claim 16**, Furman discloses a speech recognition system comprising:

a vocabulary database (vocabulary; column 10, line 47 – column 11, line 21);

a text database (text; column 11, lines 10-21); and

a speech synthesis unit configured to receive text data from the text database by acoustic speech input (acoustic) and convert the data to speech data, the speech data stored in a speech database (text-to-speech; column 4, line 66 – column 5, line 61), but does not specifically teach a computer-based audio module.

Besling discloses a computer-based audio module wherein the speech data is spoken into the vocabulary database (vocabulary) in an automated manner (automatically) using the audio module so as to expand the vocabulary database (add words to the database; column 10, line 47 – column 11, line 8), to provide an undue burden on a user; column 4, lines 14-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Furman's system where it comprises a

computer-based audio module, as taught by Besling, for simultaneously supporting recognition for many clients to enable pattern recognition for a wide range of subject. This allows good quality recognition (column 4, lines 14-50).

Regarding **claim 17**, Furman disclose a speech recognition system wherein the text database is generated by automatically searching a telecommunications network for text data related to a selected search term (telecommunication network; column 9, lines 48-60).

Conclusion

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAKIEDA R. JACKSON whose telephone number is (571)272-7619. The examiner can normally be reached on Monday-Friday from 5:30am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRJ
April 21, 2008
/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626